

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200300212-MDC
Comment Period: 02/07/2003 through 03/07/2003
Project Manager: Mark D. Cohen

Applicant

City of Oxnard
305 West Third Street
Oxnard, California 93030
(805) 385-7839

Contact

Richard W. Parsons
2271 Los Encinos Road
Ojai, California 93023
(805) 649-9759

Location

The proposed project would occur in east Mandalay Bay, in the Pacific Ocean, in the City of Oxnard, Ventura County, California (at: latitude deg. 34-10'-48" N., longitude deg. 119-13-24" W.)

Activity

To maintenance dredge approximately 20,000 cubic yards of accumulated sediment over 17 acres on an as-needed basis over a five year period to maintain navigable depths in east Mandalay Bay (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch – Los Angeles District Office
ATTN: CESPL-CO-RN-200300212-MDC
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: mark.d.cohen@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- Dredged material would be removed from the eastern section of Mandalay Bay and deposited on an upland disposal site at the Del Norte Solid Waste Management Facility in the City of Oxnard. Dredging shall be accomplished using a small hydraulic suction dredge approximately 10 feet wide by 22 feet long. The dredge will be mechanically propelled throughout the excavation area using deployed cables and winches. Dredge material shall be conveyed through a 6-inch diameter floating pipeline to an upland process plant located on a vacant dirt lot immediately north of Hemlock Street adjacent to existing agriculture fields near the Edison electric sub-station. The discharge pipe would terminate into a portable decanter centrifuge that will remove approximately 98 to 99 percent of the free water from the sediment. The decanter centrifuge shall operate on a temporary basis and will pump residual clean water that is removed from the dredge material back into the channel. As described, this activity would not result in more than an incidental discharge into waters of the U.S. As a result, the applicant is not required to obtain water quality certification under Section 401 of the Clean Water Act. However, the applicant has obtained a revised Waste Discharge Requirement (Case File 02-070), dated December 17, 2002, for this project.

Coastal Zone Management- The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The disposal site for the dredged material is outside the Coastal Zone. The California Coastal Commission has issued an exemption letter (4-02-168-X), dated December 5, 2002, for this project as the proposed activity is considered maintenance.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time. This Public Notice serves as a request for comment from the appropriate resource agencies for information related to any possible effect from this project on species of special status.

Essential Fish Habitat- Impact Sciences, a consultant working for the applicant, has completed an Essential Fish Habitat Assessment for east Mandalay Bay. The assessment, dated February 8, 2002, and sent to National Marine Fisheries Service, describes almost a complete lack of vegetation or intertidal zones, as the waterways are constructed with vertical concrete walls. Structure within the canal is limited to a few stray rocks and sparsely scattered trash and concrete debris. The channels are nearly devoid of aquatic vegetation. Based on the temporary impacts of the proposed project and the poor quality of the habitat, the Corps has made an initial determination that the proposed project would result in no adverse impacts to Essential Fish Habitat. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The Applicant has proposed the maintenance dredging of 20,000 cubic yards of material over a five-year period, temporarily impacting a maximum of 17 acres of east Mandalay Bay (see Figure 2). Dredging would be accomplished on an as-needed basis over a 5-year period to restore project depths beneath floating docks, the small boat berth areas, and portions of the navigable channel areas. Project depth within the channel is -8 feet Mean Lower Low Water (MLLW). Dredging shall be accomplished using a small hydraulic suction dredge approximately 10 feet wide by 22 feet long. The dredge will be mechanically propelled throughout the excavation area using deployed cables and winches. Dredge material will be conveyed through a 6-inch diameter floating pipeline to an upland process plant located on a vacant dirt lot immediately north of Hemlock Street adjacent to existing agriculture fields near the Edison electric sub-station. The discharge pipe would terminate into a portable decanter centrifuge that will remove approximately 98 to 99 percent of the free water from the sediment. The decanted centrifuge shall operate on a temporary basis and will pump residual clean water that is removed from the dredge material back into the harbor.

The dredge operation and dewatering plant shall be powered by a 225 KVA portable electronic generator designed for noise and pollution abatement. The estimated production rate will be about 175 to 200 dry tons per day or approximately 670 cubic yards of in situ volume per day. The duration of each dredging cycle shall not exceed 60 days. The dredge will pump a total of about 30 days within that time period. When operating, the suction dredge may work 24 hours per day, 7 days per week.

The processed dredge material shall be stockpiled at the Hemlock Street vacant lot site and hauled to an upland disposal site during non-peak traffic periods. It is estimated that approximately 34 truck trips per day will occur over a 30-day time period. The haul route is approximately 7.5 miles from Mandalay Bay to the deposition site.

Additional Project Information

Impacts on Navigation

Mandalay Bay was initially excavated in the 1960's as part of a residential development that included floating boat docks. Shoaling of the waterways periodically reaches levels that prevent access to some of the docks during periods of minus tides. Periodic maintenance is required to restore and maintain approximate depths of -8 Mean Lower Low Water. The proposed project would result temporary impacts on navigation.

However, in the long run, the project would result in a net benefit to navigation by improving safe passage of boats in the Bay.

Sediment Sampling and Analysis results

Applied Environmental Technologies Inc., a consultant for the applicant, conducted sampling and analysis in potential dredge locations in east Mandalay Bay. The report is dated November 20, 2001, and was submitted to the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board and the U.S. Environmental Protection Agency. According to the report, the grain size measurements sampled from the bay show less than 25 percent sand. Therefore the dredged material is not suitable for beach nourishment, and would be disposed of in an upland location. The report also concluded that the chemical components of the sediments do not represent an environmental concern and that no special handling of the material is considered warranted.

Mitigation

The proposed project is considered maintenance and no significant environmental impacts or loss of waters is anticipated by this project. No mitigation is proposed by the applicant.

Proposed Special Conditions

1. The permittee shall provide notification, either written or verbal, to the Corps of Engineers at least one week prior to the start of work as to the begin and end dates of construction in waters of the U.S. This shall be accomplished each time the permittee proposes to dredge.
2. No debris, soil, silt, sand, rubbish, cement or concrete washings thereof, oil or petroleum products or washings thereof, shall be allowed to enter into or placed where it may be washed by rainfall or runoff into the waterway. When project operations are completed, any and all excess construction materials, debris, and/or other associated excess project materials shall be removed to an appropriate off-site location outside of any waters of the U.S.
3. Staging, storage, fueling, and maintenance of equipment and materials shall be located outside of waters of the U.S.
4. A copy of the permit shall be on the job site at all times during construction. The permittee shall provide a copy of this permit to all contractors, subcontractors, and forepersons. The permittee shall require that all contractors, subcontractors, and forepersons read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein.
5. Diversion or blocking of tidal influence and/or dewatering of the construction site are not authorized by this verification.
6. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
7. The permittee shall notify the Commander Eleventh Coast Guard District POW, BLDG 50-6 Coast Guard Island, Alameda, California, 94501-5000, (510) 437-3514, at least two weeks prior to start of activity and 30 days if buoys are to be placed. The notification should include the following information:
 - a. the location of the work site;

- b. the size and type of equipment that will be performing the work;
- c. name and radio call signs for working vessels, if applicable;
- d. telephone number for on-site contact with project engineers; and
- e. the schedule for completing the project.

A copy of the post-survey drawings shall be sent to the following address: Director; Charting and Geodetic Services; ATTENTION: N/CG22; National Ocean Service, NOAA; Rockville, Maryland 20852-3806.

- 8. Adequate signage and demarcation of work areas shall be posted, in water and in residential areas, where pedestrian and boat access may be temporarily inhibited.
- 9. Within two weeks of project completion, the permittee shall submit a notification of the completion of activities with the location and amount dredged.
- 10. A new Sampling and Analysis plan shall be resubmitted for any dredge operations that occur after November 20, 2006.

The applicant understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the applicant will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

For additional information please contact Mark D. Cohen of my staff at (213) 452-3413. This public notice is issued by the Chief, Regulatory Branch.

Figure 1
Area Map

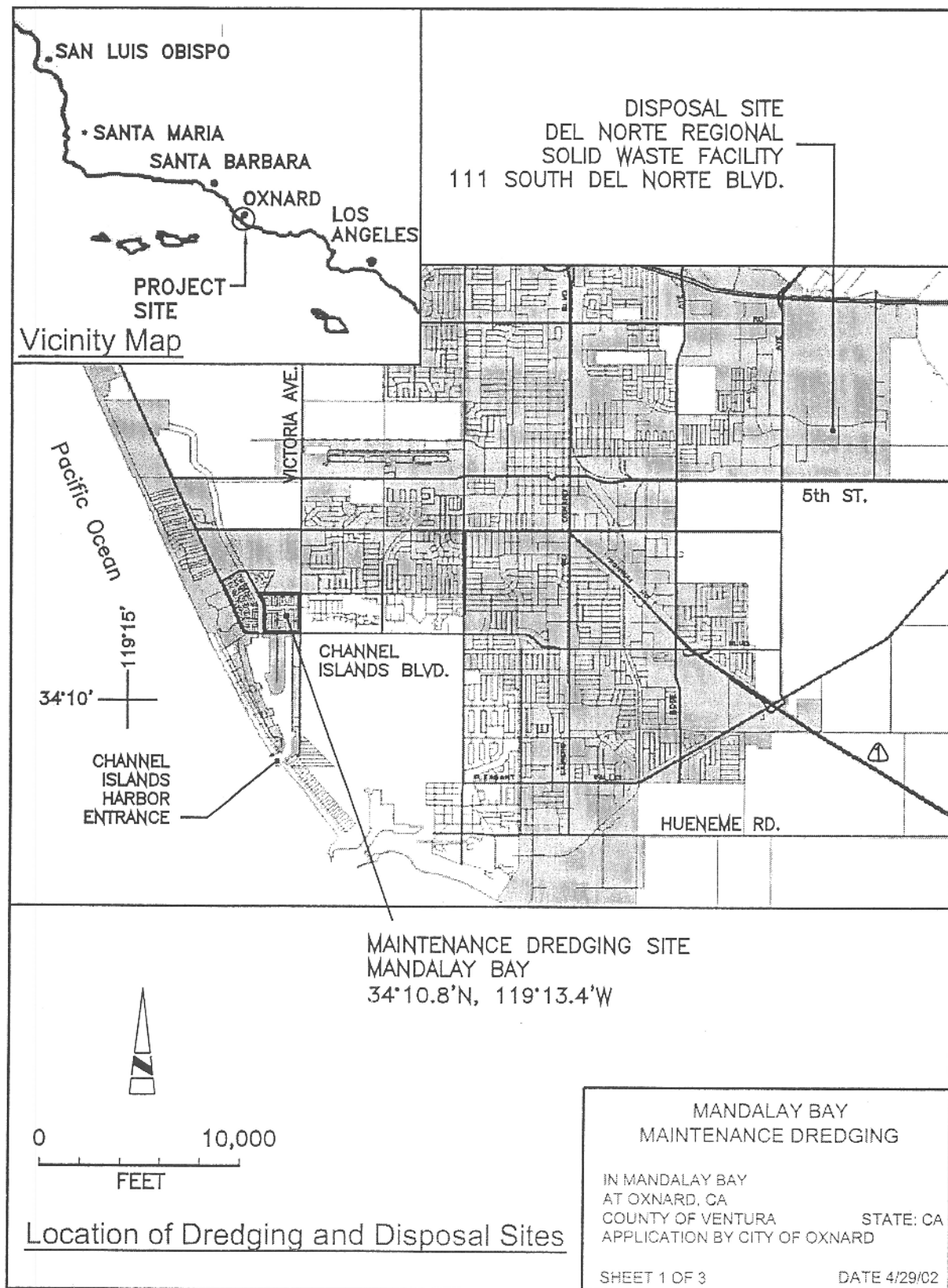


Figure 2
East Mandalay Bay and Potential Dredging Areas

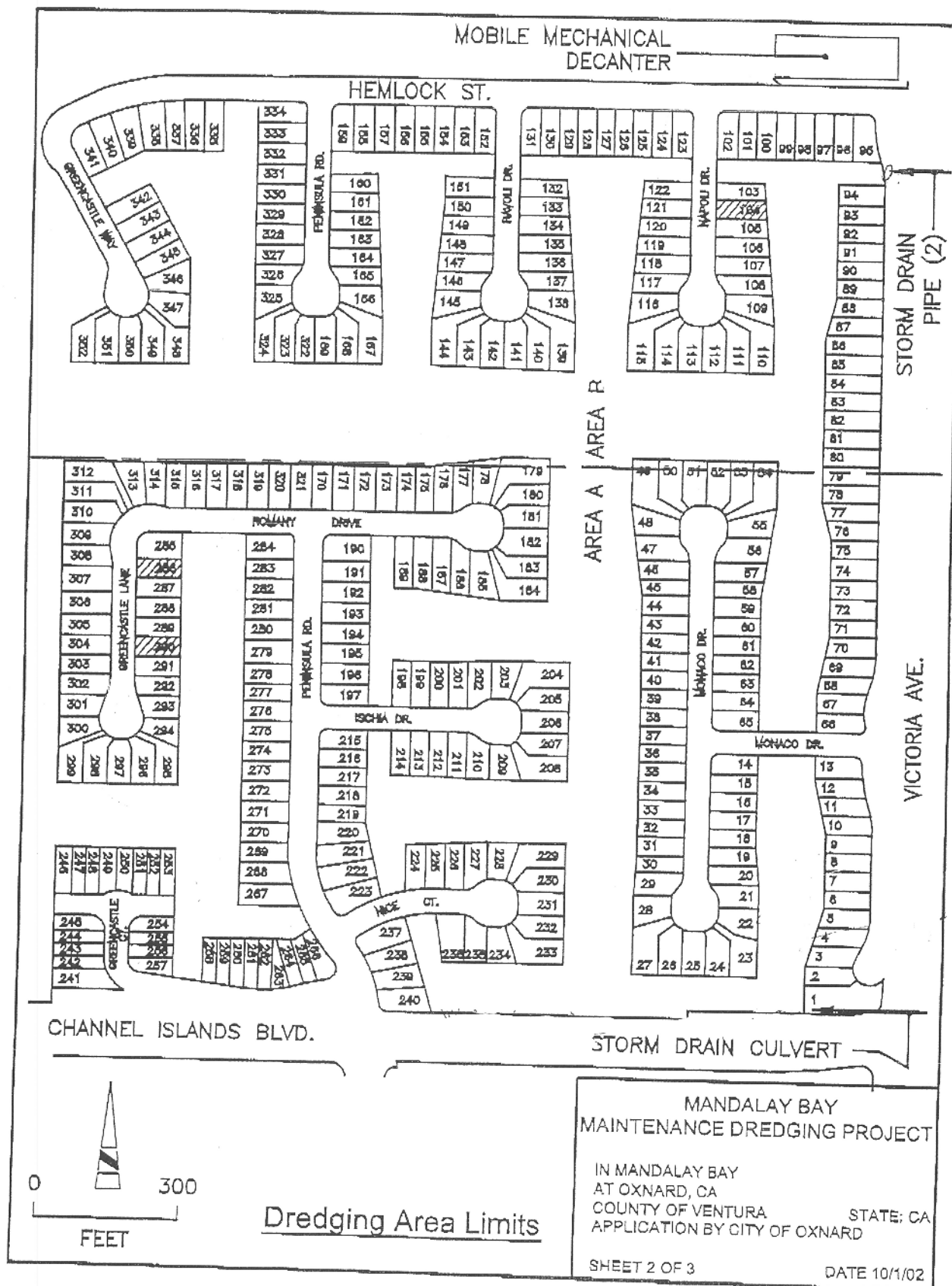


Figure 3
Typical Channel Section

